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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,979	07/21/2005	Per Solso Hindhede	IPB.016	1946
	7590 09/11/200 CKMON & VOORHE	EXAMINER		
673 S. WASHINGTON ST			JOHNSON, BLAIR M	
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			3634	
			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)		
Office Action Summary	10/542,979	HINDHEDE ET AL.		
Office Action Summary	Examiner	Art Unit		
	Blair M. Johnson	3634		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICA 36(a). In no event, however, may a repl vill apply and will expire SIX (6) MONTH cause the application to become ABAN	ATION. y be timely filed  S from the mailing date of this communication. IDONED (35 U.S.C. § 133).		
Status				
1) ☐ Responsive to communication(s) filed on <u>06 Ju</u> 2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This     3) ☐ Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final.			
Disposition of Claims				
<ul> <li>4)  Claim(s) 1-13 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-13 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	vn from consideration.			
Application Papers				
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the original transfer of the property and the second seco	epted or b) objected to by drawing(s) be held in abeyance ion is required if the drawing(s)	e. See 37 CFR 1.85(a). is objected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date 4/7/06;7/21/05;	Paper No(s)/N	nmary (PTO-413) Mail Date rmal Patent Application		

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## Claim Rejections - 35 USC § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "in at least one their ladder rungs" is ambiguous and indefinite.

In claim 8, there is no structural basis for reciting "the circumference".

In claim 9, there is no antecedent basis for "the fixing devices".

Claim 10 is not understood.

Claims 11 and 12 are indefinite as they constitute method claims which depend from apparatus claims. These two types of claims constitute two different statutory types of inventions and cannot depend from each other. They will be addressed as best understood. Additionally, in claim 12, there is no antecedent basis for "the groove".

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,9-11 and 13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Damiano.

See ladder members 12 having vertical members 19 and rungs (unnumbered), carrier member 16, cross slats 14 and fixing devices 30.

## Allowable Subject Matter

Claims 4-8 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

## Conclusion

Applicant's remarks concerning the restriction are persuasive and such has been withdrawn. All claims have been addressed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner
Art Unit 3634

BMJ 9/4/07